

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

NOV 03 2016

JULIA C. DUBLEY, CLERK
BY:  DEPUTY CLERK

ABDUL-HAMZA WALI MUHAMMAD,)	CASE NO. 7:16CV00034
)	
Plaintiff,)	
v.)	FINAL ORDER
)	
DR. HAPPY EARL SMITH, <u>ET AL.</u> ,)	By: Hon. Glen E. Conrad
)	Chief United States District Judge
Defendants.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Plaintiff's motion for summary judgment (ECF No. 53) is **DENIED**;
2. Plaintiff's motion (ECF No. 53) is hereby also **CONSTRUED AND GRANTED** as a motion to amend, and the clerk shall **ADD** the following defendants to the docket: Linda Stump, Shaina Mullins, Janet Lynn Deel, Steffany Stallard, Wendy McCoy, and Emily Cox;
3. Plaintiff's motion (ECF No. 53) is hereby also **CONSTRUED AND GRANTED** as a motion for voluntary dismissal of plaintiff's Claim 1, and this claim, alleging that Dr. Smith used excessive force and/or sexually assaulted plaintiff is **DISMISSED** without prejudice;
4. Defendant's motion to dismiss (ECF No. 49) is **GRANTED** as to plaintiff's claim that Dr. Smith acted with deliberate indifference to his serious medical needs related to bloody stools;

5. Plaintiff's claims against the following defendants are **DISMISSED** without prejudice under 28 U.S.C. § 1915A(b)(1) for failure to state any actionable claim: Linda Stump, Shaina Mullins, Janet Lynn Deel, Steffany Stallard, Wendy McCoy, and Emily Cox; and
6. The clerk shall **STRIKE** this case from the active docket of the court.

ENTER: This 3rd day of November, 2016.



Chief United States District Judge